



CRL.OP(MD). No.6724 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Boopathi @ Boopathiraj

2.Alaguraj

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.166 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.166 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Susikumar,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)



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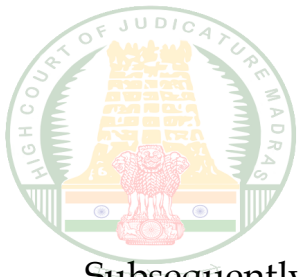
ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 08.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the alleged offences punishable under Sections 126(2), 296(b), 115(2), 351(2) and 303 (2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.166 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is practicing as an Advocate at the Srivilliputhur Court and also operates a brick kiln located in Kulalar Street. It is the further case of the prosecution that the defacto complainant supplied bricks worth Rs.29,500/- to the petitioner/Accused No.1, which amount remained unpaid. When the defacto complainant attempted to contact the petitioner/Accused No.1 over phone to demand payment, the accused failed to answer the calls. On 01.04.2025, the defacto complainant again called the petitioner, during which A1 answered and allegedly threatened him, stating that he would not pay the amount. The defacto complainant informed the local elders about the issue.



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Subsequently, on 02.04.2025, at around 9:00 a.m., while the defacto complainant was traveling near Thangasamy Memorial Primary School on his two-wheeler, the accused persons intercepted him. They engaged in a verbal altercation, used abusive language, and assaulted him for demanding the bricks amount. As a result, the defacto complainant sustained bodily injuries. Further the accused persons forcibly took a sum of Rs.2,000/- from the shirt pocket of the defacto complainant. Hence, the case.

4. Mr.C.Susikumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioners. He further submits that there are no previous cases against the petitioners. He, however, submits that the petitioners are ready to abide any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have been arrayed as A1 and A2 respectively. He further submits that the accused persons



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abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. He further submits that there are no previous cases registered against the petitioners. He further contends that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of the offence allegedly committed by the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the above and also considering the fact that the petitioners are first offenders and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Srivilliputhur,



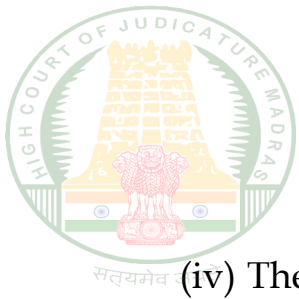
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Virudhunagar District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one identity proof of each surety to ensure their identity.

(iii) The petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each (totally Rs.50,000/-) to the credit of the Crime No.166 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.166 of 2025. The learned Judicial Magistrate or Trial Judge shall pass orders *qua* entitlement of the said amount in its final order / Judgment.



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(iv) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Monday at 09.00 a.m. until further orders.

(v) The petitioners shall make themselves available for interrogation by police as and when required.

(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses, and shall not tamper with the evidence.

(viii) The petitioners shall not leave India without prior permission of the Court.

(ix) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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Sd/-

28/04/2025

// True Copy //

/05/2025

Sub Assistant Registrar
(CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai.

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To

- 1.The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.
- 2.Do Through
The Chief Judicial Magistrate,
Virudhunagar.
- 3..The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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WEB COPY +1 CC to M/s.S.MAYAPERUMAL, Advocate (SR-5026[I] dated 29/04/2025)

+1 CC to M/s.M.JANANI PRIYA, Advocate (SR-5062[I] dated 29/04/2025)

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KVL - (27.05.2025) 8P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.